



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,989	11/12/2003	Keith D. Foote	71486-0061	2988
20915	7590	03/27/2006	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			SHAFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,989

Applicant(s)

FOOTE ET AL

Examiner

Ricky D. Shafer

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-23 and 26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 12, 13, 16, 18, 19, 30, 31, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Polzer et al ('778).

Polzer et al discloses a motor vehicle comprising at least one mirror system for providing a rearward view to the operator of the motor vehicle, the mirror system comprising a reflective element assembly (9, 9.9) including a reflective surface (9.9) for providing a reflection image, and a mounting panel (9) for mounting the reflective surface thereto; a mounting bracket (5.1) for mounting the reflective element assembly to the motor vehicle; a mirror plate (7) and an interlocking fastener assembly for removably attaching a first one of the reflective element assembly to the mounting bracket comprising a first array of interlocking fasteners [(5.3,5.8), (7.4,7.8)] attached to and extend away from the mounting bracket and a second array of interlocking fasteners [(9.3, 9.5), (7.4,7.8)] attached to the first one of the reflective element assembly and adapted for interlocking communication with the first array, wherein the second array is attached to and extend away from the mounting panel/mirror plate and wherein at least one of the first array and the second array comprises a regularly-spaced plurality of fastening elements (9.3), each fastening element comprising an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head. Note figures 1-4 along with the associated description thereof.

Art Unit: 2872

3. Claims 1-3, 8-17, 19-21 and 26-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki ('408).

Ozaki discloses a motor vehicle comprising at least one mirror system for providing a rearward view to the operator of the motor vehicle, the mirror system comprising a reflective element assembly (13,15) including a reflective surface (13) for providing a reflection image, and a mounting panel (15) for mounting the reflective surface thereto; a mirror plate (16) attached to the mounting panel, a mounting bracket (75,18,19) for mounting the reflective element assembly to the motor vehicle; a tilt actuator (12) for selectively vertically and horizontally tilting the reflective element assembly in order to adjust a rearward field of vision provided thereby and comprises a mounting/base plate (17) pivotally attached thereto and an interlocking fastener assembly for removably attaching a first one of the reflective element assembly to the mounting bracket via the mounting/base plate comprising a first array of interlocking fasteners (58) attached to and extend away from the mounting/base plate and a second array of interlocking fasteners (56,57) attached to and extend away from the mounting panel/mirror plate and adapted for interlocking communication with the first array. Note figures 1-19B along with the associated description thereof.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2872

5. Claims 4, 5, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki ('408).

Ozaki discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the mounting panel comprises a thermoplastic material or gas-injected plastic material having a plurality of microscopic voids.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify plastic material of the mounting panel of Ozaki to include a thermoplastic material or gas-injected plastic material having a plurality of microscopic voids, as is well known in the art, since it has been held to be within the general skill of a worker to select a known material on the basis of its suitability for the intended use and purpose of obtaining a degree of resiliency. Note *In re Leskin*, 125 USPQ 416.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

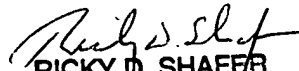
Art Unit: 2872

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

March 16, 2006


RICKY D. SHAFER
PATENT EXAMINER
ART UNIT ~~2872~~ 2872